

## **City of Coral Gables**

### **Planning Department Staff Report**

**To:** Honorable Local Planning Agency (LPA) / Planning and Zoning Board Members

**From:** Planning Department

**Date:** November 4, 2009

**Subject:** Update of the City of Coral Gables Comprehensive Plan and Map [hereinafter known and referenced as the “Comprehensive Plan (CP)”] as required pursuant to the State of Florida required Evaluation and Appraisal Report (EAR) process.

1. An Ordinance of the City Commission of Coral Gables adopting the annual update to the Capital Improvements Element (CIE) within the City's Comprehensive Plan; providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date.
  2. An Ordinance of the City Commission of Coral Gables adopting a ten year water supply facilities work plan and amending the Comprehensive Plan to promote and facilitate better coordination between water supply and local land use planning as required by Florida law; providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date.
  3. An Ordinance of the City Commission of Coral Gables adopting the Evaluation and Appraisal Report (EAR) based amendments, various updates of the Goals, Objectives, and Policies, and providing for newly created elements titled: Administration, Design, Public Safety, and Green to the City of Coral Gables Comprehensive Land Use Plan; authorizing transmittal to Florida Department of Community Affairs for review; providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date.
  4. An Ordinance of the City Commission of Coral Gables readopting the Comprehensive Plan Map in its entirety and Change of Land Use Map designations for the purpose of correcting inconsistencies between Comprehensive Plan Map and Zoning Map classifications based upon the current use for the following City owned properties:
    - a. Change from “Commercial, Low and Mid-Rise Intensity” to “Public Buildings and Grounds” for 285 Aragon Avenue (Coral Gables Museum) located on Lots 1-4 and 42-48, Block 34, Coral Gables Section “K”; and,
    - b. Change from “no designation” to “Open Space” for the public open space located on all of Block 37, Country Club Section 3; and,
    - c. Change from “Residential (Single-Family) Low Density” to “Public Buildings and Grounds” for the City Utility Station located on Tract A, Block 2, Hammock Oaks Harbor Section 2.Providing for a repealer provision, a savings clause, and a severability clause; and providing for an effective date.
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## **Recommendation**

### *1. Capital Improvements Element*

The Planning Department recommends approval of the adoption of the annual update to the Capital Improvements Element (CIE) within the City's Comprehensive Plan (see Attachment A for Ordinance).

### *2. Ten Year Water Supply Facilities Work Plan*

The Planning Department recommends approval of the adoption of the Ten Year Water Supply Facilities Work Plan and amendment to the Comprehensive Plan to promote and facilitate better coordination between water supply and local land use planning as required by Florida law (see Attachment B for Ordinance).

### *3. Evaluation and Appraisal Report (EAR) based amendments and update of CP*

The Planning Department recommends approval of the adoption of the Evaluation and Appraisal Report (EAR) based amendments, various updates of the Goals, Objectives, and Policies, and providing for newly created elements titled: Administration, Design, Public Safety, and Green to the City of Coral Gables Comprehensive Plan; authorizing transmittal to Florida Department of Community Affairs (see Attachment C for Ordinance and accompanying binder for updated CP text). This includes all amendments to the CP pursuant to the City of Coral Gables Responses to the State of Florida Department of Community Affairs' (DCA) Objection, Recommendation and Comments (ORC) report dated November 4, 2009 as referenced in Attachment D.

### *4. Readoption of Comprehensive Plan Map / Change of Land Use Map designation to correct inconsistencies*

The Planning Department based upon the findings of fact contained herein recommends approval of the Comprehensive Plan (CP) Map in its entirety and correction of existing inconsistent land use map designations for the following three (3) properties, all of which are owned by and located in the City of Coral Gables, Florida:

- a. Change from "Commercial, Low and Mid-Rise Intensities" to "Public Buildings and Grounds" for 285 Aragon Avenue (Coral Gables Museum) located on Lots 1-4, 42-48, Block 34, Coral Gables Section "K".
- b. Change from "No Designation" to "Open Space" for the public open space located on All of Block 37, Country Club Section 3.
- c. Change from "Residential Use (Single-Family) Low Density" to "Public Buildings and Grounds" for the City utility station located on Tract A, Block 2, Hammock Oaks Harbor Section 2.

See Attachment E for Ordinance.

**Actions since transmittal of Comprehensive Plan (CP)**

Since City Commission adoption on 1<sup>st</sup> Reading (07.07.2009), Planning staff submitted the CP amendment package to the State DCA for review. On 09.11.09 the DCA submitted the Objection, Recommendation and Comments (ORC) report. Please refer to Attachment D for the City's responses to DCA comments which are highlighted by the areas in blue. The comments received had been previously discussed with the DCA and were expected and technical in nature. In context, the City's EAR Based comments received by the DCA are minor in relation to other local governments. State statutes allow the City 120 days or until 01.11.2010 to respond to the DCA comments.

Pursuant to State requirements, staff forwarded the CP to the below listed agencies for review and comment. All agency comments have been addressed and included within the CP update. A summary of each agency comments is as follows:

1. Florida Department of Education. This Department provided two comments relative to revisions to the Capital Improvements Element (CIE) of the CP. These comments were addressed and the CIE was modified to satisfy the requested changes.
2. Florida Department of Environmental Protection (DEP). The DEP noted they *"Found no provision that requires comments, recommendation or objection under the laws that form the basis of the Departments jurisdiction and authority."*
3. Florida Department of Transportation, District Six (FDOT). FDOT indicated *"No impacts anticipated to the State Highway System facilities resulting from these amendments; therefore, the District has no specific objections or recommendations at this time."*
4. Florida Department of Historical Resources. The Department comments are as follows:  
*"The Future Land Use Element provides for the protection of historic resources and sensitive reuse of the resources. The new Design Element encourages the preservation of the City's architectural heritage. The Mobility Element (aka Traffic Circulation) preserves the Historic roadways from the expansion; and ensures that they will be maintained at their present designation and capacity. The Natural Resources Element also ensures historic site protection. The City of Coral Gables has also chosen to include a Historic Resources Element within its comprehensive plan. This element has been updated to reflect the rewritten zoning code. In this element, major topics provides for the provisions for increasing locally designated resources, increasing public outreach, identifying the impacts of development on historic resources, and providing economic incentives to property owners."*
5. South Florida Regional Planning Council (SFRPC). The amendments were reviewed by the Regional Council Staff and Regional Planning Council (elected officials designated by local governments). The SFRPC noted *"Council action pursuant to Chapter 163, Florida Statutes, found the amendments to be generally consistent with the Strategic Regional Policy Plan for South Florida, the Council, by the same motion, approved the transmittal of the enclosed agenda item to the Florida Department of Community Affairs."*
6. South Florida Water Management District (SFWMD). The District noted *"The Work Plan is thorough, complete, and demonstrates coordination with the County to ensure that the*

*existing and future water needs of the City will be met. Therefore, we offer no recommendations for inclusion in your review comments to the City."*

7. Miami-Dade County Planning and Zoning. MDPZD comments were received after the State mandated review time period, however, staff has addressed each comments provided (See Attachment D for responses).

## **Next and Final Steps**

The CP is scheduled for Planning and Zoning Board/Local Planning Agency recommendation on November 4, 2009 and will proceed to City Commission on November 17, 2009 for 2<sup>nd</sup> Reading and FINAL adoption. The CP will then be forwarded to the DCA for final review. The DCA will have 45 days for review and to determine if the plan or plan amendment is in compliance with F.S. Chapter 163. If found in compliance, DCA will issue a "Notice of Intent to find that the plan or plan amendment is in compliance or not in compliance." The DCA is required to advertise the amendment in a local newspaper. Both the DCA and City shall publish the "Notice of Intent" on their respective web sites. Affected parties/persons shall have 21 days after the actual date of the DCA publication to the notice to file a petition.

## **Request / Background of the EAR Based Amendments**

### *1. Capital Improvements Element*

This request is the result of a State requirement to adopt a five year capital improvement schedule as a part of the update of the Comprehensive Plan. In 2005, the Florida Legislature passed Senate Bill 360, which required, in part, that local governments annually update the capital improvements element contained in their Comprehensive Plans in order to ensure that the required level of service standards for the public facilities listed in Section 163.3180, Florida Statutes is achieved and maintained over the planning period.

Various City Departments have worked together to develop the Capital Improvement Program which reflects the proposed capital projects over the next five years. This amendment (see Attachment F) consists of updates to the data and analysis required by Florida law and revisions to the City's Capital Improvement Program. The data and analysis consists of the public facilities capacity analysis and revenue and expenditure projections. The amendment includes copies of the current Capital Improvement Program which is adopted into the City's 2009 Comprehensive Plan by reference.

### *2. Ten Year Water Supply Facilities Work Plan*

This request is the result of a State requirement that local governments must prepare and adopt a Ten Year Water Supply Facilities Work Plans into their Comprehensive Plans consistent with South Florida Water Management Districts, "*Lower East Coast Water Supply Plan Update.*" Specifically, the City is required the following:

1. Section 163.3167(13) Florida Statutes, requires each local government to address in its comprehensive plan, the water supply sources necessary to meet and achieve the existing and projected water use demand for an established planning period.
2. Section 163.3177(4)(a), Florida Statutes, requires coordination of the local comprehensive plan with the water management district's regional water supply plan.

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3. Section 164.3177(6)(c), Florida Statutes, requires that local governments prepare and adopt a 10-Year Water Supply Facilities Work Plan and amend their comprehensive plans within 18 months after the water management district approves a regional water supply plan or its update.

Residents of the City obtain their water directly from the Miami-Dade County Water and Sewer Department (WASD), which is responsible for ensuring that enough capacity is available for existing and future customers.

The City's 10 Year Water Supply Facilities Work Plan (Work Plan) will reference the initiatives already identified in Miami-Dade County's 20-year Work Plan since the City is a retail buyer. According to State guidelines, the Work Plan and the Comprehensive Plan amendment must address the development of traditional and alternative water supplies, bulk sales agreements and conservation and reuse programs that are necessary to serve existing and new development for at least a 10-year planning period. The City's Work Plan will comply with this standard and will be incorporated into the Comprehensive Plan as a sub-element of the Community Services and Facilities Element. Additionally, new and revised objectives and policies will be incorporated into the comprehensive plan to ensure consistency with the Work Plan.

### *3. Evaluation and Appraisal Report (EAR) based amendments and update of the Comprehensive Plan*

The City adopted its Evaluation and Appraisal Report on June 26, 2007, which was found sufficient by the Florida Department of Community Affairs on September 7, 2007. The EAR previously identified specific issues that required modification in the City's Comprehensive Plan. This request is that final step of the EAR process.

As background, in 1998, the legislature amended Chapter 163 Part 2 Florida Statutes to incorporate new criteria for Evaluation and Appraisal Reports (EAR). These statutory requirements for the EAR allow local governments to base their analysis on the key local issues that they are facing. Section 163.3191(1) (C) was modified to require that local governments identify the major issues and provide an analysis of these issues to further the community's goals.

Input by the community, elected/appointed officials, City staff, adjacent local governments, applicable agencies, the South Florida Regional Planning Council (SFRPC), and the Florida Department of Community Affairs (DCA), as well as input from a City-initiated 2002 Charrette Report, and the comprehensive rewrite of the City's Zoning Code, served as the basis for identifying the major issues to be addressed in the EAR. Based on input received during scoping meetings and workshops, the City identified four (4) major issues for inclusion in the EAR. The major issues selected for inclusion and agreed to by the DCA were as follows:

- Issue 1. Complete Rewrite of Housing Element. Revision of the Housing Element to include provision of workforce housing and promotion of senior housing.
- Issue 2. Maintenance of Single Family Residential. Maintenance of single-family residential neighborhoods and mitigation of adjoining commercial and high-density residential uses.
- Issue 3. Mitigation of Traffic Impacts. Mitigation of traffic impacts to include promotion of alternative modes of transportation and strengthening of intergovernmental coordination.
- Issue 4. Placement of Parks per the City's Master Plan. Placement of parks according to the Parks Master Plan, to include the acquisition of new parks.

The SFRPC, which was delegated to review the EAR by DCA, issued a compliance letter to the

City of Coral Gables on September 7, 2007 (see Attachment H) advising the City that the EAR was determined to be sufficient to meet the requirements of Section 163.3191. In the summary of the adopted EAR all of the major issues were found to be "sufficient" with the exception of Issue 3: Mitigation of Traffic Impacts. The issue was not found sufficient because the City does not provide mitigation measures for four roadway segments which are failing the LOS standards as outlined in the traffic analysis, "2015 Traffic Level of Service Findings."

SFRPC recommended that the City, in its EAR-based amendments, provide a comprehensive analysis and detailed plan outlining how money will be budgeted for the next five years to address traffic issues. They advised creating a Transportation Master Plan to develop mitigation measures specific to the failing roadway segments. And that funding sources for specific transportation improvement projects for failing roadway segments should be identified in the Capital Improvements Element.

The update of the existing Comprehensive Plan includes modifications to the Goals, Objective and Policies of the Plan as well as the creation of four new elements not previously required pursuant to the EAR. The new elements include: Administration; Design; Public Safety; and Green. Each of the 14 elements has an executive summary in the front to provide further explanation of the proposed changes. The proposed changes are a result of EAR recommendations, new State growth management requirements and the necessity to modernize, streamline and strengthen the CP which will bring it into consistency with the Zoning Code and other City Codes.

*4. Readoption of Comprehensive Plan (CP) Map in its entirety / Change of Land Use Map designation to correct inconsistencies*

As a part of the CP update, City staff recommends that the CP Map be readopted in its entirety (see Attachment H) as well as to include the changes identified in the CP text amendments.

As a part of the EAR of the CP process, the Planning Department is required to correct inconsistencies between existing Zoning Map classifications and the existing Land Use Map classifications. As a part of this process Staff originally identified sixty-seven (67) parcels, owned by both private and public entities, containing either zoning and/or land use inconsistencies.

During the Zoning Code Rewrite process the City Commission requested only those properties that are publicly owned should be rezoned. Therefore only eighteen (18) publicly owned inconsistent parcels were processed and received approval. When Staff presented the eighteen (18) publicly owned properties for rezoning during the Zoning Code Rewrite process, it was stated that properties requiring a CP Map amendment would be included with the update of the CP.

Planning Staff is recommending a proposed change of land use for the three City owned properties to provide consistency with the existing zoning designations and actual use of the property. The properties include the site of the Coral Gables Museum, a parcel of land used as a City utility station (pumping station) and a street median serving as landscaped open space for a residential neighborhood. Informational sheets and maps showing existing and proposed land use designations, property photos, and location are provided as Attachment I.

The following is a brief description of the physical characteristics of each of the three City owned properties accompanied with a chart outlining each property's surrounding uses:

**Parcel 1: Coral Gables Museum; 285 Aragon Avenue**

The Coral Gables Museum property is located at 285 Aragon Avenue within the City's Central Business District and is 27,500 square feet (0.63 acres) in size and contains 11 platted lots. The site is located on the west end of Block 34 and is bounded by Aragon Avenue to the south, Salzedo Street to the west and Giralda Avenue to the north. The current land use for the property is "Commercial, Low-Rise Intensity" on the north half of the property (Lots 1-4) and "Commercial, Mid-Rise Intensity" on the south half (Lots 42-48). If approved, the entire property would be reclassified to "Public Buildings and Grounds", which is consistent with the property's actual use as a City museum and "S"; Special Use zoning designation.

<b>Location</b>	<b>Existing Land Uses</b>	<b>Land Use Designations</b>	<b>Zoning Designations</b>
North	Surface parking lot	"Commercial Use; Low-Rise Intensity"	"C", Commercial
South	2-story commercial building	"Commercial Use, Mid-Rise Intensity"	"C", Commercial
East	8-story mixed-use building	"Commercial Use, Mid and Low-Rise Intensities"	"C", Commercial
West	Two 1-story commercial buildings	"Commercial Use, Mid-Rise Intensity"	"C", Commercial

**Parcel 2: Public Open Space**

The public open space is a triangular open grass lot with a few trees which is bounded by Calbira Avenue (N), Durango Street (W) and Banos Ct (E). This site is 2,500 square feet (0.06 acres) in size and consists of all of Block 34 (no platted lots). The property currently does not have a land use designation, if approved the parcel would be classified as "Open Space", which is consistent with the property's actual use and zoning designation of "S"; Special Use.

<b>Location</b>	<b>Existing Land Uses</b>	<b>Land Use Designations</b>	<b>Zoning Designations</b>
North	1-story single-family residence	"Residential Use (Single-Family) Low Density"	"SFR", Single-Family Residential
South	N/A	N/A	N/A
East	1-story single-family residence	"Residential Use (Single-Family) Low Density"	"SFR", Single-Family Residential
West	2-story single-family residence	"Residential Use (Single-Family) Low Density"	"SFR", Single-Family Residential

**Parcel 3: City Utility Station**

This City owned property is a triangular lot which contains a water pump that is maintained by the Public Works Department. The pump and associated equipment are blocked from view of the street and adjacent single-family property by a grass mound and landscaping. The parcel is 8,712 square feet (0.2 acres) in size and contains one platted tract. The property currently has a land use classification of "Residential (Single-Family) Low Density". The proposed land use designation is "Public Buildings and Grounds". The zoning on the parcel is "S; Special Use" which is the appropriate zoning designation and is consistent with the property's actual use.

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Location	Existing Land Uses	Land Use Designations	Zoning Designations
North	1-story conservatory	"Parks and Recreational Use"	"S", Special Use
South	1-story single-family residence	"Residential Use (Single-Family) Low Density"	"SFR", Single-Family Residential
East	1-story single-family residence	"Residential Use (Single-Family) Low Density"	"SFR", Single-Family Residential
West	1-story single-family residence	"Residential Use (Single-Family) Low Density"	"SFR", Single-Family Residential

### Findings of Facts

The findings of facts contained herein are based upon the following:

#### 1. Capital Improvements Element

- A. Section 163.3180, Florida Statutes, requires each local government to annually submit an updated capital improvements element.

#### 2. Ten Year Water Supply Facilities Work Plan

- A. Section 163.3167(13), Florida Statutes, requires each local government to address in its comprehensive plan, the water supply sources necessary to meet and achieve the existing and projected water use demand for an established planning period.
- B. Section 163.3177(4)(a), Florida Statutes, requires coordination of the local comprehensive plan with the water management district's regional water supply plan.
- C. Section 164.3177(6)(c), Florida Statutes, requires that local governments prepare and adopt a 10-Year Water Supply Facilities Work Plan and amend their comprehensive plans within 18 months after the water management district approves a regional water supply plan or its update.

#### 3. Evaluation and Appraisal Report (EAR) based amendments and update of CP

- A. The City adopted its Evaluation and Appraisal Report on June 26, 2007, which was found sufficient by the Florida Department of Community Affairs on September 7, 2007.
- B. The City has completed its proposed EAR-based amendments consistent with the requirements of Chapter 163, Part II, F.S., and Rule 9J-5 and 9J-11, F.A.C.
- C. The City transmitted the Comprehensive Plan amendments to State and regional agencies for review which generally found the Plan in compliance.
- D. The City has addressed all of DCA's Objections, Recommendations, and Comments.

#### 4. Readoption of CP Map / Change of Land Use Map designation to correct inconsistencies

The findings of fact that support the approval of the changes of Land Use Map designations include the following:

- A. The State of Florida Growth Management Act of 1985 mandates the City adopt a Future Land Use Map, and Florida law requires that the land use and zoning designations of properties within the City be consistent.
- B. Objective 1-1.3 and Policy 1-1.3.4 of the City's CP requires achieving compliance with the Future Land Use Map by reducing the number of inconsistencies between the Future Land Use Map and actual land uses, and to examine and revise the Zoning Code to



correct any inconsistencies.

- C. Criteria were established to determine inconsistent properties at the time inconsistently zoned properties were identified during the Zoning Code Rewrite.
- D. Three (3) properties owned by the City have been identified that have inconsistent land use designations with the property's existing zoning designations and actual use by the City.
- E. The City has published notifications (see Attachment J) and posted each of the properties to provide public notice of the proposed changes of land use.

### **Public Notification/Comments**

The following has been completed to solicit input and provide notice:

<b>Type</b>	<b>Explanation</b>
Newspaper ad published	Completed 10.23.09
Posted agenda on City web page/City Hall	Completed 10.23.09
Posted Staff report, entire CP, mapping, etc. on City web page	Completed 10.30.09

A list of public comments and letters has been provided as Attachment K. The PowerPoint Presentation provided to the City Commission for 1<sup>st</sup> Reading on July 7, 2009 is provided as Attachment L.

Respectfully submitted,

Eric Riel, Jr.  
Planning Director

### **Attachments:**

Updated Comprehensive Plan (white binder)

- A. Ordinance-Capital Improvements Element.
- B. Ordinance-Ten Year Water Supply Plan.
- C. Ordinance-EAR Based Amendments.
- D. City of Coral Gables Responses to DCA Objections, Recommendations and Comments.
- E. Ordinance-Map Inconsistency Land Use Changes.
- F. Capital Improvement Element Comprehensive Plan Amendment.
- G. Ten Year Water Supply Facilities Work Plan.
- H. Future Land Use Map.
- I. Map inconsistency informational sheets and maps.
- J. Copy of published newspaper ads.
- K. Public comments.
- L. 07.07.2009 PowerPoint Presentation.